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COATS & BENNETT/SONY ERICSSON
1400 CRESCENT GREEN
SUITE 300
CARY, NC 27511

EXAMINER

SANTIAGO CORDERO, MARIVELISSE

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/696,864		EATON ET AL.	
	Examiner		Art Unit	
	Marivelisse Santiago-Cordero		2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Art Unit – Location

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Response to Arguments

2. Applicant's arguments filed 5/5/06 have been fully considered but they are not persuasive.

Applicant argues that the Examiner must apply the correct definition of the word “port” to the claims, and relies on the ordinary meaning and the definition provided in the specification that the term “port” as used in the claims must be construed to mean an opening or recess in the housing (see Remarks: page 2, 3rd paragraph).

In response, the claim does not particularly and uniquely defines the term “port” as to distinguish it from the applied prior art. For example, Applicant argues that nothing in DuMont teaches or suggests that the housing includes any kind of opening. However, it is noted that the features upon which applicant relies (i.e., any kind of opening) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The term “port” is broadly claimed; therefore, broadly interpreted.

In addition, the claim language states that the combined attachment and acoustic port is configured to project audible sound from the speaker, which is precisely what is being done by

DuMont. Consequently, DuMont's wall housing can be fairly characterized as a port since it is configured to project audible sound from the speaker (see projection shown in Fig. 1).

Applicant further argues that DuMont expressly teaches away from including a port in the housing (See Remarks: page 3, lines 2-3). The question whether a reference 'teaches away' from the invention is inapplicable to an anticipation analysis. See MPEP § 2131.05. Arguments that the alleged anticipatory prior art is 'nonanalogous art' or 'teaches away from the invention' or is not recognized as solving the problem solved by the claimed invention, [are] not 'germane' to a rejection under section 102.' See MPEP § 2131.05.

Applicant further argues that nothing in DuMont teaches or suggests that the attachment is part of any type of port or acoustic output, much less part of a combined attachment and acoustic port. In response, the Examiner respectfully disagrees. The features upon which applicant relies (i.e., attachment is part of any type of port or acoustic output) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Moreover, the attachment in conjunction with the port, as explained above, is what meets the claim, i.e., a combined attachment and acoustic port.

Accordingly, the rejection is maintained.

Regarding the Raven reference, Applicant argues that Raven does not teach or suggest the claimed combined attachment and acoustic port (see Remarks: page 3, 1st full paragraph). In response, the Examiner respectfully disagrees. As stated in the last Office Action, Raven teaches the claimed combined attachment and acoustic port in reference 10 (see Fig. 4). The attachment

(reference 16 and 56) and acoustic port (note the port of the speaker; also shown in Fig. 1) in conjunction is the claimed combined attachment and acoustic port.

Applicant further argues that nothing in Raven teaches or suggests including an opening, recess, or other port in the earflap and an attachment member as part of any kind of acoustic output path (see Remarks: page 3, 1st full paragraph). In response, it is noted that the features upon which applicant relies (i.e., an opening, recess, or other port in the earflap and an attachment member as part of any kind of acoustic output path) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding the Kumar reference, Applicant argues that Kumar does not teach or suggest the combined attachment and acoustic port; that nothing in Kumar supports the Examiner's position that the ear loop is part of the speaker port. At the outset, it is noted that the features upon which applicant relies (i.e., the ear loop is part of the speaker port) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Moreover, Kumar's ear loop in conjunction with speaker port is the claimed combined attachment and acoustic port. In addition, Kumar's Figures 4 and 6 clearly show the combined attachment and acoustic port.

Applicant further argues that nothing in Kumar describes using the ear loop to attach an external member, such as a lanyard and that, as such, Kumar does not teach or suggest the

claimed attachment member (see Remarks: page 4, lines 3-4). In response, the Examiner notes that the user's ear is the external member; reference 26 is the attachment member, and the features upon which applicant relies (i.e., such as a lanyard) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues that nothing in the cited art teaches or suggests that the attachment member comprises a support bar disposed in a combined attachment and acoustic port; that DuMont does not include any ports and only teaches an attachment member (see Remarks: page 4, 2nd full paragraph). In response, the Examiner respectfully disagrees. As stated above DuMont does disclose the port; and, as stated in the last Office Action, DuMont discloses the support bar in reference numerals 19 and 73-75).

In addition, in the same paragraph, Applicant argues that Raven teaches a sleeve, the sleeve is no where near the speaker; and therefore; cannot be considered to be part of any type of acoustic output region. In response, it is noted that the features upon which applicant relies (i.e., considered to be part of any type of acoustic output region) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Moreover, as stated above and further shown in Figs. 1 and 4 of Raven, the attachment (reference 16 and 56) and acoustic port in conjunction is the claimed combined attachment and acoustic port.

Lastly, in the same paragraph, Applicant argues that nothing in Kumar describes or illustrates that the earflap is a support bar disposed in the acoustic port. In response, it is noted that the features upon which applicant relies (i.e., support bar disposed in the acoustic port) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In addition, Kumar's Figs. 4 and 6 and page 6, lines 5-8 clearly discloses the support bar in reference numeral 26.

3. For the reasons stated above, the rejection as stated in the last Office Action is maintained. Accordingly, this Action is made FINAL.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-4, 6, 8, 12, 16-18, 20, and 24-28 are rejected under 35 U.S.C. 102(b) as being anticipated by DuMont (Patent No.: 5,331,760).

Regarding claim 1, DuMont discloses a mobile device (Figs. 1-2, reference 10; Fig. 5, reference 50) comprising;

a housing (Figs. 2 and 5, references 15, 17);

a speaker disposed within the housing for projecting audible signals from the mobile device (Fig. 2 and 5, reference 22, 54); and

a combined attachment (Figs. 2 and 5, references 19 and 73-75) and acoustic port (Fig. 1; note the sound signals passing through; Figs. 2 and 5; note the lower portion of the housing below the speaker) disposed on the housing (Figs. 2 and 5), the combined attachment and acoustic port configured to project audible sound from the speaker (Fig. 1; note the sound signals) and further including an attachment member (Figs. 2 and 5, references 19 and 73-75) for attaching an external member to the mobile device (Fig. 5; note the fish line).

Regarding claim 2, DuMont discloses a mobile device of claim 1 wherein the attachment member comprises a support bar disposed in the combined attachment and acoustic port (Figs. 2 and 5, references 19 and 73-75).

Regarding claim 3, DuMont discloses a mobile device of claim 2 wherein the support bar comprises a rigid material spanning the combined attachment and acoustic port (Figs. 2 and 5, references 19 and 73-75; col. 2, lines 56-60).

Regarding claim 4, DuMont discloses a mobile device of claim 2 wherein the support bar is spaced from the housing to enable a portion of the external member to extend between the support bar and the housing (Fig. 5).

Regarding claim 6, DuMont discloses a mobile device of claim 1 further comprising an acoustic channel disposed within the mobile device between the speaker and the combined attachment and acoustic port to acoustically connect the speaker to the combined attachment and acoustic port (Figs. 1-2, and 5).

Regarding claim 8, DuMont discloses a mobile device of claim 1 wherein the speaker projects notification signals via the combined attachment and acoustic port (col. 3, lines 4-19).

Regarding claim 12, DuMont discloses a mobile device of claim 1 wherein the combined attachment and acoustic port is disposed on an outer edge of the housing (Figs. 2 and 5).

Regarding claim 16, DuMont discloses a mobile device comprising:

a housing (Figs. 2 and 5, references 15, 17);

a combination attachment (Figs. 2 and 5, references 19 and 73-75) and acoustic port (Fig. 1; note the sound signals passing through it; Figs. 2 and 5; note the lower portion of the housing below the speaker) formed at least partially in the housing (Figs. 2 and 5), the combination attachment and acoustic port including a surrounding wall structure (Fig. 5) and at least one attaching bar extending across the port (Figs. 2 and 5, references 19 and 73-75) for connecting to an external member (Fig. 5; note the fish line),

wherein the attaching bar is spaced with respect to the port such that an open area around the attaching bar is of a sufficient size to allow the external member to be attached around the attaching bar (Figs. 2 and 5, references 19 and 73-75) ; and

a speaker (Figs. 2 and 5, reference 22, 54) positioned within the mobile device with respect to the combination attachment and acoustic port for directing sound through the combination attachment and acoustic port and out of the mobile device (Fig. 1; Figs. 2 and 5).

Regarding claim 17, DuMont discloses a mobile device of claim 16 wherein the attaching bar comprises a rigid material (Figs. 2 and 5, references 19 and 73-75; col. 2, lines 56-60).

Regarding claim 18, DuMont discloses a mobile device of claim 16 further comprising an acoustic channel disposed within the mobile device between the speaker and the combined attachment and acoustic port to direct sound through the combination attachment and acoustic port and out of the mobile device (Figs. 1-2, and 5).

Regarding claim 20, DuMont discloses a mobile device of claim 16 wherein the speaker projects notification signals out the mobile device via the combined attachment and acoustic port (Fig. 1; col. 3, lines 4-19).

Regarding claim 24, DuMont discloses a mobile device of claim 16 wherein the combined attachment and acoustic port is disposed on an outer edge of the housing (Figs. 2 and 5).

Regarding claim 25, DuMont discloses a mobile device comprising; a housing (Figs. 2 and 5, references 15, 17); and a combination port disposed at least partially in the housing comprising: projecting means for projecting audible signals from the mobile device (Fig. 1); and attaching means (Figs. 2 and 5, references 19 and 73-75) for attaching an external member to the mobile device (Fig. 5; note the fish line).

Regarding claim 26, DuMont discloses the mobile device of claim 25 wherein the attaching means for attaching the external member comprises an attachment member disposed in the combination port (Figs. 2 and 5, references 19 and 73-75).

Regarding claim 27, DuMont discloses the mobile device of claim 26 wherein the attachment member is spaced with respect to the combination port such that an open area defined

between the attachment member and the combination port is of a sufficient size to attach the external member to the attachment member (Figs. 2 and 5).

Regarding claim 28, DuMont discloses the mobile device of claim 25 further comprising channeling means for channeling the audible signals from a speaker disposed within the housing to the combination port (Figs. 1-2, and 5; note that the shape of the mobile device channels the audible signals from the speaker as shown in Fig. 1).

6. Claims 1-2, 4, 9, 13, 15-16, 18, 21, 25-26, and 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Raven (Patent No.: 5,164,987).

Regarding claim 1, Raven discloses a mobile device comprising;

a housing (Abstract; Figs. 1-4; note the personal stereo speaker assembly 10 in combination with the portable personal audio equipment connected through the plug 34);

a speaker disposed within the housing for projecting audible signals from the mobile device (Fig. 1, reference 28, 30); and

a combined attachment and acoustic port (Figs. 1 and 4; reference 10) disposed on the housing (Figs. 1 and 4), the combined attachment and acoustic port configured to project audible sound from the speaker (Fig. 1; col. 3, lines 8-16) and further including an attachment member (Figs. 1 and 4, references 16 and 56) for attaching an external member to the mobile device (Fig. 1; references 12, 14, and 15).

Regarding claim 2, Raven discloses a mobile device of claim 1 wherein the attachment member comprises a support bar disposed in the combined attachment and acoustic port (Figs. 1 and 4, references 16 and 56).

Regarding claim 4, Raven discloses a mobile device of claim 2 wherein the support bar is spaced from the housing to enable a portion of the external member to extend between the support bar and the housing (Figs. 3-4).

Regarding claim 9, Raven discloses a mobile device of claim 1 wherein the mobile device comprises at least one of a portable radio, a portable cassette player, a portable CD player, a portable mini-disc player, and a portable MP3 player (Abstract).

Regarding claim 13, Raven discloses a method of outputting audible signals from a mobile device comprising a housing (Abstract; Figs. 1-4; note the personal stereo speaker assembly 10 in combination with the plug and the portable personal audio equipment connected to it) and a speaker for projecting the audible signals disposed within the housing (Fig. 1, reference 28, 30), the method comprising:

providing a recessed acoustic port (Fig. 1; col. 3, lines 8-16) on at least a portion of the housing to project acoustic sound from the mobile device (Fig. 1; col. 3, lines 8-16); and placing an attachment member (Figs. 1 and 4, references 16 and 56) in the acoustic port for attaching an external member to the mobile device (Fig. 1; references 12, 14, and 15).

Regarding claim 15, Raven discloses the method of claim 13 further comprising providing an acoustic channel within the mobile device between the speaker and the combined attachment and acoustic port to direct the audible signals from the speaker to the acoustic port (col. 3, lines 8-16).

Regarding claim 16, Raven discloses a mobile device comprising:

a housing (Abstract; Figs. 1-4; note the personal stereo speaker assembly 10 in combination with the portable personal audio equipment connected through the plug 34);

a combination attachment and acoustic port formed at least partially in the housing (Figs. 1 and 4; reference 10), the combination attachment and acoustic port including a surrounding wall structure (Figs. 1 and 4; reference 20 and 52) and at least one attaching bar extending across the port (Figs. 1 and 4, references 16 and 56) for connecting to an external member (Fig. 1; references 12, 14, and 15),

wherein the attaching bar is spaced with respect to the port (Fig. 4) such that an open area around the attaching bar is of a sufficient size to allow the external member to be attached around the attaching bar (Figs. 1-4; note the space where the temples are inserted); and

a speaker positioned within the mobile device with respect to the combination attachment and acoustic port for directing sound through the combination attachment and acoustic port and out of the mobile device (Fig. 1, reference 28, 30).

Regarding claim 18, Raven discloses the mobile device of claim 16 further comprising an acoustic channel disposed within the mobile device between the speaker and the combined attachment and acoustic port to direct sound through the combination attachment and acoustic port out of the mobile device (col. 3, lines 8-16).

Regarding claim 21, Raven discloses the mobile device of claim 16 wherein the mobile device comprises at least one of a portable radio, a portable cassette player, a portable CD player, a portable mini-disc player, and a portable MP3 player (Abstract).

Regarding claim 25, Raven discloses a mobile device comprising:

a housing (Abstract; Figs. 1-4; note the personal stereo speaker assembly 10 in combination with the plug and the portable personal audio equipment connected to it); and

a combination port disposed at least partially in the housing (Figs. 1 and 4; reference 10) comprising:

projecting means for projecting audible signals from the mobile device (Fig. 1, reference 32; col. 3, lines 8-16); and

attaching means (Figs. 1 and 4, references 16 and 56) for attaching an external member to the mobile device (Fig. 1; references 12, 14, and 15).

Regarding claim 26, Raven discloses the mobile device of claim 25 wherein the attaching means for attaching an external member comprises an attachment member disposed in the combination port (Figs. 1 and 4, references 16 and 56).

Regarding claim 28, Raven discloses the mobile device of claim 25 discloses further comprising channeling means for channeling the audible signals from a speaker disposed within the housing to the combination port (col. 3, lines 8-16).

Regarding claim 29, Raven discloses the mobile device of claim 25 wherein the mobile device comprises at least one of a portable radio, a portable cassette player, a portable CD player, a portable mini-disc player, and a portable MP3 player (Abstract).

7. Claims 1-2, 4, 7-11, 13-14, 16, 19-23, 25-27, and 30-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Kumar (WO 01/06344 A1).

Regarding claim 1, Kumar discloses a mobile device comprising;
a housing (Figs. 4-6; reference 20 in combination with 30);
a speaker disposed within the housing for projecting audible signals from the mobile device (Figs. 4-6; reference 42); and

a combined attachment and acoustic port disposed on the housing (Figs. 4 and 6; note the upper surface of numeral 55), the combined attachment and acoustic port configured to project audible sound from the speaker (Figs. 4-6) and further including an attachment member (Figs. 4-6; reference 26) for attaching an external member to the mobile (Figs. 4-6; page 6, lines 5-8).

Regarding claim 2, Kumar discloses the mobile device of claim 2 wherein the attachment member comprises a support bar disposed in the combined attachment and acoustic port (Figs. 4-6; reference 26).

Regarding claim 4, Kumar discloses the mobile device of claim 2 wherein the support bar is spaced from the housing to enable a portion of the external member to extend between the support bar and the housing (Figs. 4-6; page 6, lines 5-8).

Regarding claim 7, Kumar discloses the mobile device of claim 1 wherein the speaker projects high-level voice audio via the combined attachment and acoustic port (page 3, lines 23-24).

Regarding claim 8, Kumar discloses the mobile device of claim 1 wherein the speaker projects notification signals via the combined attachment and acoustic port (col. 5, lines 8-13 and 42-44; note that the mobile device has cellular telephone circuitry in which projecting notification signals is an inherent feature).

Regarding claim 9, Kumar discloses the mobile device of claim 1 wherein the mobile device comprises at least one of a portable radio, a portable cassette player, a portable CD player, a portable mini-disc player and a portable MP3 player (Fig. 1).

Regarding claim 10, Kumar discloses the mobile device of claim 1 further comprising a communication circuit disposed within the housing for transmitting and receiving signals (Fig. 7).

Regarding claim 11, Kumar discloses the mobile device of claim 10 wherein the mobile device comprises at least one of a cellular telephone, a personal data assistant, a pager, and a personal communications system (page 3, lines 28-33).

Regarding claim 13, Kumar discloses a method of outputting audible signals from a mobile device comprising a housing (Figs. 4-6, reference 30) and a speaker for projecting the audible signals disposed within the housing (Fig. 4, reference 42) the method comprising:

providing a recessed acoustic port on at least a portion of the housing to project acoustic sound from the mobile device (Figs. 4 and 6; note the upper surface of numeral 55); and

placing an attachment member in the acoustic port (Figs. 4-6, reference 26) for attaching an external member to the mobile device (page 6, lines 5-9).

Regarding claim 14, Kumar discloses the method of claim 13 wherein placing the attachment member in the acoustic port comprises spanning the attachment member across the recessed acoustic port (Figs. 4-6) and spaced with respect to the recessed acoustic port a sufficient amount to enable a portion of the external member to attach to the attachment member (Figs. 4-6; page 6, lines 5-8).

Regarding claim 16, Kumar discloses a mobile device comprising:

a housing (Figs. 4-6, reference 20 in combination with 30);

a combination attachment and acoustic port formed at least partially in the housing (Figs. 4 and 6; note the upper surface of numeral 55), the combination attachment and acoustic port

including a surrounding wall structure (Figs 4-6; reference 55) and at least one attaching bar extending across the port (Figs. 4-6, reference 23) for connecting to an external member (Figs. 4-6; page 6, lines 5-8),

wherein the attaching bar is spaced with respect to the port such that an open area around the attaching bar is of a sufficient size to allow the external member to be attached around the attaching bar (Figs. 4-6; page 6, lines 5-8); and

a speaker positioned within the mobile device with respect to the combination attachment and acoustic port for directing sound through the combination attachment and acoustic port and out of the mobile device (Fig. 4, reference 42).

Regarding claim 19, Kumar discloses the mobile device of claim 16 wherein the speaker directs high-level voice audio out of the mobile device via the combined attachment and acoustic port (page 3, lines 23-24).

Regarding claim 20, Kumar discloses the mobile device of claim 16 wherein the speaker projects notification signals out of the mobile device via the combined attachment and acoustic port (col. 5, lines 8-13 and 42-44; note that the mobile device has cellular telephone circuitry in which projecting notification signals is an inherent feature).

Regarding claim 21, Kumar discloses the mobile device of claim 16 wherein the mobile device comprises at least one of a portable radio, a portable cassette player, a portable CD player, a portable mini-disc player and a portable MP3 player (Fig. 1).

Regarding claim 22, Kumar discloses the mobile device of claim 16 further comprising a communication circuit disposed within the housing for transmitting and receiving signals (Fig. 7).

Regarding claim 23, Kumar discloses the mobile device of claim 22 wherein the mobile device comprises at least one of a cellular telephone, a personal data assistant, a pager, and a personal communications system (page 3, lines 28-33).

Regarding claim 25, Kumar discloses a mobile device comprising:

a housing (Figs. 4-6, reference 20 in combination with 30); and

a combination port disposed at least partially in the housing (Figs. 4 and 6; note the upper surface of numeral 55) comprising:

projecting means for projecting audible signals from the mobile device (Fig. 4, reference 42); and

attaching means for attaching an external member to the mobile device (Figs. 4-6, reference 26).

Regarding claim 26, Kumar discloses the mobile device of claim 25 wherein the attaching means for attaching the external member comprises an attachment member disposed in the combination port (Figs. 4-6, reference 26).

Regarding claim 27, Kumar discloses the mobile device of claim 26 wherein the attachment member is spaced with respect to the combination port such that an open area defined between the attachment member and the combination port is of a sufficient size to attach the external member to the attachment member (page 5, lines 5-8).

Regarding claim 30, Kumar discloses the mobile device of claim 25 further comprising transmitting means for transmitting and receiving communication signals (Fig. 7).

Regarding claim 31, Kumar discloses the mobile device of claim 30 wherein the mobile device comprises at least one of a cellular telephone, a personal data assistant, a pager, and a personal communication system (page 3, lines 28-33).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raven in view of Moore (Reissue 35,051 of U.S. Patent No. 4,901,355).

Regarding claim 5, Raven discloses the mobile device of claim 4 (see above). Raven fails to disclose wherein the support bar is spaced from the housing to enable a spring clip disposed on one end of the external member to extend between the support bar and the housing.

However, in the same field of endeavor, Moore discloses wherein the support bar (Fig. 2, reference 28) is spaced from the housing (Fig. 2, reference 14 in combination with 24-25) to enable a spring clip (Fig. 2, references 40-41) disposed on one end of the external member (Fig. 2, reference 38) to extend between the support bar and the housing (Fig. 2; col. 4, lines 15-27).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to space the support bar from the housing of Raven to enable a spring clip disposed on one end of the external member to extend between the support bar and the housing as suggested by Moore.

One of ordinary skill in this art would have been motivated to space the support bar from the housing of Raven to enable a spring clip disposed on one end of the external member to extend between the support bar and the housing because spring clips are widely acceptable and commonly known for attaching and detaching components whenever is necessary by the user, hence, making it user-friendlier.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marivelisse Santiago-Cordero whose telephone number is (571) 272-7839. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER